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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 15, 2002

APPLICATION OF

MORRIS ENTERPRISES, LLC

CASE NO. PUE020098

To abandon service pursuant
to § 56-265.1(b)(1)

ORDER INVITING WRITTEN COMMENTS AND REQUESTS FOR HEARING

On March 5, 2002, Morris Enterprises, LLC ("the Company") filed a memorandum with the Clerk of the State Corporation Commission ("Commission") requesting that the memorandum be considered as an application to abandon the Drysdale subdivision water system. The Commission will therefore regard the memorandum as an application filed pursuant to § 56-265.1(b)(1) of the Code of Virginia to abandon water service to the Drysdale subdivision located in Fauquier County (hereafter "Application"). Attached to the Company's Application is a copy of the notice sent to the customers of the Drysdale subdivision water system, dated February 10, 2002, advising them that water service would no longer be provided after March 15, 2002.

On March 13, 2002, a list of the Company's 26 customers' names and addresses served in the Drysdale subdivision was filed in this case.

In a Memorandum filed March 14, 2002, in this docket, Staff counsel states that Harry Morris, a member and manager of Morris Enterprises, LLC, agreed not to discontinue or abandon water service to the customers served on the Drysdale water system without prior authorization by the Commission.

NOW THE COMMISSION, upon consideration of the Company's Application, is of the opinion and finds that it should be docketed, that a copy of this Order should be sent to the Company's customers as public notice of the Application, and that the public should have an opportunity to comment and request a hearing. If no request for a hearing is received, a formal hearing with oral testimony may not be held and the Commission may make its decisions based upon papers filed in this case.

Before water service may be abandoned by the Company, § 56-265.1(b)(1) of the Code of Virginia specifically requires prior Commission approval and reads in pertinent part as follows:

Any company furnishing water or sewer services to ten or more customers . . . shall not abandon the water or sewer services unless and until approval is granted by the Commission or all of the customers receiving such services agree to accept ownership of the company.

According to the customer notice attached to the Application, the water system is offered to the customers for \$6,000. However, nothing in the record of this case indicates

that the customers agree to accept ownership. Therefore, the Company is bound by § 56-265.1(b)(1) not to abandon water service without the Commission's prior approval.

We note from the customer notice attached to the Application that the Virginia Department of Health "has stated that certain improvements must be made to the [Drysdale] system" . . . and that "any improvements must be preceded by engineering studies by Certified Engineers. . . ." The Commission considers this information essential to the customers, or any person, making an informed decision on whether to purchase the Drysdale subdivision water system. Therefore, the Commission finds that the Company should supplement its Application by filing true and complete copies of all reports, directives, or orders from the Virginia Department of Health pertaining to the Drysdale subdivision water system, no later than March 25, 2002.

The Commission further finds that the Company should be enjoined from abandoning or discontinuing water service to its Drysdale subdivision customers until authorized by Commission Order to do so.

Accordingly, IT IS ORDERED THAT:

(1) This matter is docketed and assigned Case No. PUE020098.

(2) The Company shall file its supplement to the Application on or before March 25, 2002, consistent with the findings above.

(3) The Company is enjoined from abandoning or discontinuing water service to its Drysdale customers, without prior authorization of the Commission. The Office of General Counsel is instructed to notify Harry Morris immediately of the injunction.

(4) The Company shall make a copy of its Application and all subsequent filings available for public inspection at the Clerk's Office of the Fauquier Circuit Court, 40 Culpeper Street, Warrenton, Virginia, during the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday.

(5) On or before April 5, 2002, any interested person wishing to comment or request a hearing on the Application shall address such comment or request for hearing to: Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, and shall refer to Case No. PUE020098. A copy of such comment and/or request for hearing shall be simultaneously sent to the Company as follows: Morris Enterprises, LLC, attention: Harry Morris, P.O. Box 165, Warrenton, Virginia 20188.

(6) The Division of Energy Regulation shall review the Application and shall submit on or before April 26, 2002, a report presenting their findings and recommendations.

(7) The Company shall forthwith serve a copy of this Order on the Chairman of the Board of Supervisors of any county and upon the Mayor or Manager of any county, city, or town or equivalent officials in counties, towns, and cities having alternate forms of government lying within the Company's service area. Service shall be made by first-class mail or delivery to the customary place of business or residence of the person served.

(8) On or before April 5, 2002, the Company shall provide the Commission with proof of service required in Ordering Paragraph (7) by filing an affidavit or other certificate of service with the Clerk of the Commission.